



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

[www.dnr.mo.gov](http://www.dnr.mo.gov)

**JUN 21 2011**

Mr. Karl Brooks  
Regional Administrator  
U.S. EPA, Region VII  
901 North Fifth Street  
Kansas City, KS 66101

Dear Mr. Brooks:

On June 13, 2007, the Missouri Department of Natural Resources' Air Pollution Control Program submitted to the U.S. Environmental Protection Agency (EPA) the Attainment Demonstration State Implementation Plan (SIP) and the Reasonable Further Progress (RFP) Demonstration SIP for the St. Louis nonattainment area under the 1997 8-hour ozone standard. Both of these SIP documents were deemed to be complete by operation of law on December 21, 2007. The EPA has not taken action on either of these SIP documents. Now, nearly four years later, the St. Louis area has achieved its air quality goals under this standard with three years of clean monitoring data. Therefore, the Air Program is hereby withdrawing these two SIP documents while concurrently pursuing redesignation for the area to attainment.

To a significant degree, these two SIP documents rely on the Nitrogen Oxides allowances during the ozone season portion of the federal Clean Air Interstate Rule (CAIR) for the demonstrated emission reductions. At the time these two SIP documents were deemed complete, CAIR was in place and the State rule to implement CAIR was approved into Missouri's SIP. However, on December 23, 2008, the District of Columbia Circuit Court of Appeals remanded CAIR back to EPA. Due to EPA's lack of action on the Attainment Demonstration and the RFP SIPs in a timely manner, it is our understanding that these SIP submittals would now be considered inadequate because the federal measures they relied on have been overturned by the courts.

On June 9, 2011, EPA issued a final rule determining that both sides of the St. Louis ozone nonattainment area have demonstrated attainment of the 1997 8-hour ozone standard with three years of quality assured clean air monitoring data (76 FR 33647, June 9, 2011). This clean data determination shows that the local and regional controls affecting the area have improved ambient air quality and reduced ground level ozone concentrations to a level in compliance with the 1997 standard. Withdrawing these two SIP documents will not relax or remove any of the controls that are in place in the St. Louis area. These documents are technical demonstrations that showed that the area would attain the standard because of the existing controls. According to EPA guidance, the clean data determination alleviates the State's obligation to submit attainment and RFP demonstration SIPs because the area has already attained the standard.



Recycled Paper

Mr. Karl Brooks  
Page Two

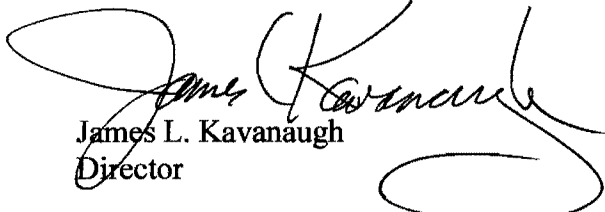
The Air Program is preparing a Maintenance Plan and Redesignation Request for the 1997 St. Louis 8-hour ozone nonattainment area to assure continued compliance with this standard.

The Air Program is committed to close and early coordination with EPA on future SIP actions. The Air Program recommends that EPA Region 7 continue its efforts to make much needed improvements in the overall SIP process, specifically improvements in the timeliness of EPA actions for approval or disapproval of submitted SIP elements.

Thank you for your attention to this matter. If you have questions regarding this SIP withdrawal, please contact Ms. Wendy Vit with the Department's Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102, or by telephone at (573) 751-4817.

Sincerely,

AIR POLLUTION CONTROL PROGRAM



James L. Kavanaugh  
Director

JLK:mlk